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By ECF

March 29, 2022

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

In Re: *New York City Policing During Summer 2020 Demonstrations*,
No. 20 Civ. 8924 (CM) (GWG)

Your Honor:

I am a Senior Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York and I am among counsel for the defense in the above-referenced matter. I write in accordance with Rule 2.A of the Court's Individual Practices to respectfully request permission to file opposition to plaintiffs' March 28, 2022 Letter (Dkt. # 464) on Friday, April 1, 2022. This extra time is necessary as this office is currently consumed with review/production tasks for the document production we will be making this Friday, and require additional time to respond to plaintiffs' letter so that we have enough time to do both. Additionally, defendants need to respond to the motion filed by the *Payne* plaintiffs late last week. Although counsel for the *Payne* plaintiffs consented to a similar request, counsel herein takes the following position on this request:

Plaintiffs have no objection to Defendants taking more time to respond to the portion of the motion that seeks sanctions.

However, Plaintiffs do not believe resolution of the chart issue can or should be delayed more — and Defendants had previously promised an answer to a virtually identical letter by last Friday. If Defendants made that commitment in earnest and it made it onto the calendar described in the Miller Declaration (see Dkt. No. 466 ¶ 2e), it's not clear why the task needs yet more time. Nor is it clear why Defendants' vendor is more than two weeks late in completing its task (and going on a week late for Defendants' self-granted extension) and why Defendants do not have a ready answer for that. Defendants specifically promised these answers by the end of last week, but never gave them.

Finally, in any event, resolving what is missing from the chart that was due on February 25 does not require a written response from Defendants. The Courts orders were clear and Defendants still (indisputably) have not done the task. So, as set out in the motion,

Plaintiffs ask that the Court schedule a conference immediately so they can finally get the City to state what it will be producing and what it is withholding.

In response to plaintiffs' position, defendants have advised counsel for plaintiffs that they are, and have been, working on adding additional content to the chart on an almost constant basis, and has even hired an outside vendor to assist with some of the issues. Defendants do not believe a conference is necessary, as we expect that a more robust chart will be ready by the end of this week.

Thank you for your consideration herein.

Respectfully submitted,

Dara L. Weiss s/

Dara Weiss
Senior Counsel
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cc: ALL COUNSEL (via ECF only)

Defendants may file their response by Friday, April 1, 2022, with the direction that the response must address whether the City in fact failed to comply with the Court Orders of February 18 and March 4 requiring production of a chart giving complete information as to their responses to plaintiff's discovery requests (in the form ordered by the Court) and whether any admitted failure has been completely cured as of the filing of the letter response. Plaintiffs have leave to file a reply letter by April 5, 2022, if they wish. To ensure that the City focuses on this important issue, the deadline to respond to Docket # 463 is extended sua sponte to April 6, 2022.

So Ordered.



GABRIEL W. KORENSTEIN
United States Magistrate Judge

March 30, 2022